

SENATE JOURNAL**JANUARY 16, 2006****FIRST DAY****MORNING SESSION**

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty–Sixth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 16, 2006 at ten o’clock a.m.

The Senate was called to order at 10:00 a.m., with President John Valentine presiding.

**PRAYER BY ELDER L. TOM PERRY
QUORUM OF TWELVE APOSTLES
CHURCH OF JESUS CHRIST OF LATTER–DAY SAINTS**

O God, our Eternal Father in Heaven, as thou knowest, we are gathered here today to open this session of the Fifty–Sixth Legislature in these the Senate Chambers of the State of Utah. Here we will witness each Legislator taking the Oath of Office to uphold and defend the Constitution of both the United States and that of the great State of Utah.

We are grateful to live in this state which is governed by the rule of law. Our founding fathers established a solid foundation aimed at guaranteeing the maximum freedom, happiness, and well–being for each individual. To them it was self evident that all men are created equal, endowed by certain inalienable rights, including life, liberty, and the pursuit of happiness. Under these early leaders an inspired document clearly proclaims the government shall be established on such principles. This constitution of the United States was described by Gladstone as the most wonderful work ever struck off by the brain and purpose of man. Now under this foundation and this inspired document, this body has the challenge to counsel, advise, and consent to laws that will be in harmony with that which we have received.

The Senate will address the needs of an ever changing state population which continues to grant opportunity for an every growing diversity. We live in a world where we see so much human suffering caused by greed, lust, and a desire for unrighteous power. We see the deterioration and vagary of morality and integrity, encroaching on our basic value system which are contrary to the standards we

have enjoyed and benefitted by in the past years. How the world needs individuals with courage to stand up and be counted. The great blessings of liberty which have secured us under these laws have given us freedom, prosperity, and comfort never before known in the history of the world.

In this ever changing world, we must express our appreciation to those who have been elected to serve in the Legislature of this state. We have been favored in the past with those who have been dedicated to preserve our rights and uphold our value systems. We entrust to this point the responsibility of safe guarding and guaranteeing each citizen the blessings that they shall endure.

Now we ask a special blessing to be upon each law maker. As you counsel together, may you find common purpose and be united in those goals that will benefit the people of this great state. May you be blessed with wisdom and judgement in your deliberations. We bless this Session that in the following days the communications systems will work and no untoward influence will disrupt the efficiency and ability to carry on your assignments to which you have been given.

Again we express our gratitude, unto thee Our Father, for the blessing of living in this land of the free in this special state so rich in pioneer heritage and under a system of government that guarantees us liberty and freedom. Bless this nation with peace, with understanding, with the ability to find agreement under the great system of government under which we live.

We humbly pray in the name of Jesus Christ, Amen.

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Pledge of Allegiance – Sgt. Alex Fajardo, Utah National Guard

SPECIAL MUSICAL PRESENTATION

The Bear River High School Madrigals, directed by Brian Peterson, performed “Morning Breaks on Arlington” and “O Captain, My Captain.”

* * *

On motion of Senator Peter Knudson, the Senate thanked Elder Perry for delivering the invocation and ordered it printed upon the pages of the Senate Journal.

OPENING REMARKS – PRESIDENT JOHN L. VALENTINE

We have inherited a legacy of facing challenge with courage and foresight

The Resistance of the Revolutionary War Generation;
The Strength of Rosa Parks and Martin Luther King;
The Courage and Faith of the Utah Pioneers;
The legacy of a thousand personal, family, and community victories that will forever be unsung;
Even the Legislature has had to face challenge requiring grit and foresight (particularly the heartbreaking decisions of our most recent lean years).

PROSPERITY = CHALLENGE

Prosperity can be a greater challenge than adversity. In adversity the goal is clear, however difficult it may be to reach.

Prosperity demands discipline, foresight and vision.

George Washington said, “We should never despair, our situation before has been unpromising and has changed for the better, so I trust, it will again. If new difficulties arise, we must only put forth new Exertions and proportion our efforts to the exigency of the times.”

If the recent lean years demanded our exertions, concentration, and efforts, how much more a year of plenty, like the one before us?

OPPORTUNITY = RESPONSIBILITY

Where there are great opportunities, there are great responsibilities. (The Spiderman Lesson: “With great power comes great responsibility.”)

The Robust nature of our current economy is both challenge and opportunity.

Some questions need to be answered:

How much tax can we responsibly cut?

What do we need to invest in transportation infrastructure?

How should we restructure the tax system?

How can we make sure our taxes are fair and provide the right incentives?

What can we do for Education in the state?

We should also remember that prosperity and adversity are cyclical.

All these issues have put the state of Utah at a crossroads.

They require looking into the future. They require vision. And Leadership.

The Iroquois Confederacy dealt with the politics of abundance by insisting that every decision must regard the seventh generation coming.

Future generations will look back to this time and ask the question: Did this Legislature make the right choices?

I believe that leadership is the art of creating a solution before the challenge becomes a crisis.

We are at a crossroads. What we do here will exacerbate or alleviate future crises.

THIS SENATE

Do you have the vision? I believe you do.

I know this group has the depth, experience, luminescence, and vision to find the solutions.

This is a group of :

Male and Female
Engineers
Radio Stars
Union Organizers
War Veterans
Property Managers
Publishers and Editors
Business Men and Women
Real Estate Professionals
Developers
Non Profit Leaders and Administrators
Teachers & Education Administrators
Business Owners
Accountants
Dentists
Attorneys
Farmers and Ranchers, a
Natural resources consultant, and a
Banker

This Session will draw on every bit of our experience, our insight and expertise to build good policy. Beyond that, I'm asking for the energy of your heart and soul – to do what's right for the people you represent.

I am asking for your VISION.

VISIONARIES

Times of drought require decisive leadership. In time of rain we need to add foresight and careful planning to that decisiveness.

William Sloan Coffin said, "It is one thing to say with the prophet Amos, "Let justice roll down like mighty waters," and quite another to work out the irrigation system."

The people who elected you to this office need you to work out an irrigation system. One that works in times of drought as well as years of flood. This effort will require every ounce of perception, spirit and expertise you can offer.

Whether by fate, luck or Divine intervention, you are prepared for this job.

Whether you believe you are here by destiny, deity, or chance – you have a work to do here that no one else can do. You have Perspective and Insight that no one else can offer this body.

I am asking Senators to take the long view. To make careful decisions based on the facts and merits of an issue, not short term political expediency. When Rosa Lee Parks kept the seat that was rightfully hers, she did not do what was easy, popular or comfortable. I am asking you to be equally faithful to your values and the values of those you represent.

I am asking the public to be informed, pay attention and hold their elected representatives accountable for how they represent you – and not just you but your posterity into the seventh generation.

Joseph Pulitzer said: "We are a democracy, and there is only one way to get a democracy on its feet in the matter of its individual, its social, its municipal, its state, its national conduct, and that is by keeping the public informed about what is going on."

As representatives of the public, I am asking the media to be attentive, professional, and accurate.

John Quincy Adams said, "Posterity — you will never know how much it has cost my generation to preserve your freedom. I hope you will make good use of it."

Friends and colleagues – Let's make good use of the great opportunities given to us this session.

On motion of Senator Evans, the Senate moved to have President Valentine's remarks spread upon the pages of the Senate Journal.

CERTIFICATION OF MEMBERSHIP

Annette B. Moore read the following Certification of Membership for the 2006 General Session of the Utah State Senate:

**CERTIFICATE OF MEMBERSHIP OF THE
2006 GENERAL SESSION
OF THE UTAH STATE SENATE
56TH LEGISLATURE**

I, GARY R. HERBERT, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday November 2, 2004, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2005, to wit:

FIRST DISTRICT: County of Salt Lake

Fred J. Fife III

SIXTH DISTRICT: County of Salt Lake

Michael G. Waddoups

EIGHTH DISTRICT: County of Salt Lake

Carlene M. Walker

TENTH DISTRICT: County of Salt Lake

D. Chris Buttars

THIRTEENTH DISTRICT: Counties of Salt Lake, Tooele

Mark B. Madsen

FOURTEENTH DISTRICT: County of Utah

John L. Valentine

SIXTEENTH DISTRICT: County of Utah

Curtis S. Bramble

NINETEENTH DISTRICT: Counties of Morgan, Summit, Weber

Allen M. Christensen

TWENTIETH DISTRICT: County of Weber

Scott K. Jenkins

TWENTY-FIRST DISTRICT: County of Davis

Sheldon L. Killpack

TWENTY-THIRD DISTRICT: County of Davis

Dan R. Eastman

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich

Lyle W. Hillyard

TWENTY-SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan,
Utah

Mike Dmitrich

TWENTY-NINTH: Counties of Washington

John W. “Bill” Hickman

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 5, 2002, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2003, to wit:

THIRD DISTRICT: County of Salt Lake

Gene Davis

FOURTH DISTRICT: County of Salt Lake

Patrice Arent

FIFTH DISTRICT: County of Salt Lake

Ed Mayne

SEVENTH DISTRICT: County of Salt Lake

Karen Hale

NINTH DISTRICT: County of Salt Lake

L. Alma “Al” Mansell

ELEVENTH DISTRICT: Counties of Salt Lake, Utah

Howard Stephenson

FIFTEENTH DISTRICT: County of Utah

Parley G. Hellewell

SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele

Peter C. Knudson

EIGHTEENTH DISTRICT: Counties of Davis, Weber

David L. Thomas

TWENTY-SECOND DISTRICT: County of Davis

Gregory S. Bell

TWENTY-SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah, Wasatch

Beverly Evans

TWENTY-EIGHTH DISTRICT: Counties of Beaver, Garfield, Kane, Millard, Washington

Thomas Hatch

I further certify that the following individuals have been duly appointed to serve in the Utah State Legislature as members of the State Senate, filling seats vacated in their respective districts, to serve the remainder of the unexpired terms of their predecessors, to wit:

SECOND DISTRICT: Counties of Salt Lake

Scott McCoy

TWELFTH DISTRICT: Counties of Salt Lake, Tooele

Brent Goodfellow

TWENTY-FOURTH DISTRICT: Counties of Juab, Piute, Sanpete, Sevier,
Tooele, Wayne

Darin R. Peterson

IN TESTIMONY WHEREOF,
I have hereunto set my hand,
and affixed the Great Seal of the
State of Utah on this 16th day of
January, 2006, at Salt Lake
City, Utah.

Gary R. Herbert

Lieutenant Governor

Communication filed

Roll Call – All Senators present

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, “Miss Barbara” of Romper Room spoke in Committee of the Whole.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

President Valentine directed that the following be recorded in the Senate Journal as leaders of the 2006 General Session of the 56th Legislature:

President – John L. Valentine

Majority Leader – Peter C. Knudson

Majority Whip – Dan R. Eastman

Asst. Majority Whip – Beverly Ann Evans

Minority Leader – Mike Dmitrich

Minority Whip – Gene Davis

Asst. Minority Whip – Karen Hale

President Valentine appointed a Senate Rules Committee comprised of Senator Michael G. Waddoups, Chairman, and Senators Curtis S. Bramble, D. Chris Buttars, Sheldon Killpack., Dave Thomas, Carlene Walker, Gene Davis and Ed Mayne to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

President Valentine appointed Senator Gregory Bell as the Committee Chair to serve Patronage and Employees.

On motion of Senator Michael Waddoups, the Senate Rules and the Joint Rules of the 2005 General Session of the Fifty–Sixth Legislature were adopted with the understanding that changes to these rules for the 2006 General Session of the Fifty–Sixth Legislature will be considered and adopted as soon as possible.

President Valentine appointed Senators Darin Peterson, Sheldon Killpack, and Scott McCoy as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Valentine appointed Senators Howard Stephenson, Bill Hickman, and Fred Fife, as a committee to notify Governor Jon M. Huntsman, Jr. that the Senate is organized for the 2006 General Session of the Fifty–Sixth Legislature and ready to do business.

Representatives Daw, Fowlke, and Wiley formally notified the Senate that the House is organized and ready to do business.

Senator Peterson, chairman of the Committee to Notify the House, reported the House has been notified that the Senate is organized and ready to do business.

Senator Stephenson, Chairman of the Committee to Notify the Governor, reported that His Excellency, Governor Jon M. Huntsman, Jr. has been notified that the Senate is organized and ready to do business.

On motion of Senator Waddoups, as provided by the Utah Constitution and Legislative Rules of the Legislature, the Senate voted to continue its practice of reading only the short titles of bills and resolutions as they are introduced or considered on a Senate calendar and not read the long title of the bills and resolutions unless any senator requests the reading of the long title of any House or Senate bill or resolution.

At the direction of President Valentine, information and membership concerning the following committees are to be officially recorded in the Senate Journal:

STANDING COMMITTEES

Business and Labor

Scott Jenkins, *Chair*
Thomas Hatch
Parley Hellewell
Bill Hickman

Sheldon Killpack
Al Mansell
Michael G. Waddoups
Gene Davis
Ed Mayne

Education

Dave Thomas, *Chair*
D. Chris Buttars
Dan Eastman
Mark Madsen
Howard Stephenson
Patrice Arent
Karen Hale

**Government Operations and
Political Subdivisions**

Parley Hellewell, *Chair*
Allen Christensen
Bill Hickman
Gene Davis
Brent Goodfellow

Health and Human Services

Allen Christensen, *Chair*
Greg Bell
Beverly Evans
Peter Knudson
John Valentine
Gene Davis
Scott McCoy

**Judiciary, Law Enforcement and
Criminal Justice**

Chris Buttars, *Chair*
Greg Bell
Al Mansell
Mark Madsen
Lyle W. Hillyard
Dave Thomas
Mike Dmitrich
Patrice Arent

**Natural Resources, Agriculture
and Environment**

Michael Waddoups, *Chair*
Darin Peterson
Beverly Evans

Thomas Hatch
Fred Fife
Scott McCoy

Revenue and Taxation

Curtis S. Bramble, *Chair*
Greg Bell
Lyle Hillyard
Howard Stephenson
Darin Peterson
John Valentine
Mike Dmitrich
Brent Goodfellow

**Transportation and Public
Utilities and Technology**

Sheldon Killpack, *Chair*
Curtis Bramble
Scott Jenkins
Carlene Walker
Karen Hale
Ed Mayne

**Retirement and Independent
Entities**

Beverly Evans, *Chair*
Chris Buttars
Carlene Walker
Karen Hale
Gene Davis

**Workforce Services and
Community and Economic
Development**

Carlene Walker, *Chair*
Dan Eastman
Beverly Evans
Peter Knudsen
Mark Madsen
Fred Fife
Ed Mayne

Senate Rules

Michael Waddoups, *Chair*
Curtis S. Bramble
D. Chris Buttars
Sheldon Killpack

Dave Thomas
Carlene Walker
Gene Davis
Ed Mayne

**EXECUTIVE APPROPRIATIONS AND
JOINT APPROPRIATIONS SUBCOMMITTEES****Executive Appropriations**

Lyle Hillyard, *Chair*
Curtis Bramble, *Vice Chair*
John L. Valentine
Peter Knudson
Dan Eastman
Beverly Evans
Mike Dmitrich\
Ed Mayne
Gene Davis
Karen Hale

**Capital Facilities and
Administration**

Bill Hickman, *Co–Chair*
Peter Knudson
John Valentine
Mike Dmitrich

Commerce and Revenue

Mark Madsen *Co–Chair*
Curtis Bramble
Ed Mayne

**Economic Development & Human
Relations**

Al Mansell, *Co–Chair*
Dan Eastman
Scott McCoy

**Executive Offices and Criminal
Justice**

Dave Thomas, *Co–Chair*
Darin Peterson
Brent Goodfellow

Health and Human Services

Sheldon Killpack, *Co–Chair*
Chris Buttars
Allen Christensen
Gene Davis

Higher Education

Greg Bell, *Co–Chair*
Peter Knudson
Dan Eastman
Carlene Walker
Patrice Arent

Natural Resources

Tom Hatch, *Co–Chair*
Beverly Evans
Parley Hellewell
Mike Dmitrich

Public Education

Howard Stephenson, *Co–Chair*
John Valentine
Beverly Evans
Karen Hale

**Retirement and Independent
Entities**

Beverly Evans, *Co–Chair*
Chris Buttars
Carlene Walker
Karen Hale

**Transportation & Environmental
Quality**

Scott Jenkins, *Co–Chair*
Michael Waddoups
Fred Fife

On motion of Senator Bell, the Senate voted to adopt the following committee report and employ the persons recommended by Senator Bell.

EMPLOYEE COMMITTEE REPORT

Senator Bell introduced the Senate Staff.

Mr. President and members of the Senate:

As Chair of the Committee on Patronage and Employees, I recommend that these individuals be employed as Senate Staff for the 2003 General Session of the Fifty–Sixth Legislature:

Annette B. Moore	Secretary of the Senate
Leslie O. McLean	Manager of Senate Services
Ric Cantrell	Majority Administrative Assistant
Janeen M. Halverson	Minority Administrative Assistant
Greg Johnson	System Analyst and Computer Specialist
Lynette Erickson	Admin. Asst./Docket Clerk
Mary Andrus	Journal Clerk
Paula Tew	Legislative & Third House Aide
Rolayne Day	Secretarial Supervisor & Committee Secretary
Saundra Maeser	Rules Secretary
Bonnie Brinton	Committee Secretary
Cherie M. Schmidt	Committee Secretary
Karen Allred	Committee Secretary
Nedra Duzett	Committee Secretary
Norda Shepard	Committee Secretary
Robert L. Gardner	Sergeant At Arms

Leo Parry	Asst. Sergeant At Arms
Thomas R. Shepherd	Security
Wayne Roberds	Security
Virgil Blair	Security
Glenn Hildebrand	Security
Paul Jacobs	Security
Tony Mascaro	Security
Gayle C. Petersen	Page Supervisor
Shirley C. Taylor	Asst. Page Supervisor
Diane Lloyd	Page
Linda Cornaby	Page
Jacque Frei	Page
Christine Hunter	Page
Judy Paulson	Page
Mary L. Russell	Page
Dianne Richards	Page
Deanne Evans	Page
Georgianna Knudson	Docket Clerk Aide
Eileen Miller	Public Address
	System Operator
Evoline Gardner	Hostess and
	3rd House Aide
Vicky Barber	Public Information Officer
Rebecca Rawson	Public Information Officer
Pamela H. Benson	Public Information Officer

INTRODUCTION OF INTERNS

Laura Barlow
Jeff Barth
Dan Brinton
Jarom Castleton
Amanda Chamberlain
Dan Dickson
Daniel Francom
Craig Hansen
Greg Homer
Taylor Howe
Joshua Hurst
Rachel MacFarlane
Lesley Manley
Lindsey Moore

Courtney Nay
Wendy Peck
Sam Ricks
Mark Robertson
Jake Seely
Erin Simpson
Leah Vinton
Heather Wood

INTRODUCTION OF BILLS

S.B. 1, State Agency and Higher Education Base Budget Appropriations (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 3, Minimum School Program Base Budget Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 6, Health and Human Services Sunset and Reporting Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 7, Child Protection Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 8, Care of Students with Diabetes in School (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 9, Open and Public Meetings Act Revisions (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 10, Provisional Ballot Amendments (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 11, Election Code Revisions (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 12, Electronic Meeting Amendment (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 13, Commercial Driver License Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 14, Insurance Department – Sunset Amendments and Revisions (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 15, Grama Appeals Process and Document Request Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 16, Civil Antitrust Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 17, Highway Transfer Process Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 18, Driving Under the Influence Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 19, Amendments to Indoor Clean Air Act (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 20, Repeal of Utah Digital Signature Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 21, Employment Security Amendments (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 22, Department of Community and Culture Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 23, Office of Museum Services (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 24, Weapons Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 25, Coordination with Tribal Leaders Amendments (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 26, Administrative Rules Reauthorization (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 27, Lake Powell Pipeline Development Act (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 28, Sales and Use Tax – Exemption for Isolated or Occasional Sales (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 29, Sales and Use Tax Exemption – Telecommunications (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 30, Sales and Use Tax Exemption for Semiconductor Fabricating, Processing, Research, or Development Materials (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 31, Sales and Use Tax – Manufacturing Exemptions Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 32, Multi-channel Video or Audio Service Tax – County or Municipality Franchise Fee Tax Credit (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 33, Sales and Use Tax Exemptions for Certain Business Inputs (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 34, Gross Receipts Tax Amendments, Repeal and Public Utility Tariffs (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 35, Local Option Sales and Use Tax Distribution Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 36, School Districts – Limited Amendments to Truth in Taxation (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 37, Income Tax – Taxation of Individuals, Estates, and Trusts (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 38, Individual Income Taxation of Certain Trust Distributions (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 39, General Fund Surplus Appropriation for Water Development Projects (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 40, Mine Safety and Certificate Amendments (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 41, Restrictions on Use of Physician Disclosures (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 42, Amendments Prohibiting Health Insurance Discrimination (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 43, Minimum Wage Amendments (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 44, Home Inspection Standards (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 45, Oil and Gas Conservation Account Amendments (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 46, Utah Coal Regulator Program Amendments (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 47, Restoration of Voting Rights Amendments (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 48, School Nurses Legislative Task Force (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 49, School Community Council Amendments (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 50, Jail Funding Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 51, Driving with a Controlled Substance in the Body – Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 52, Antiphishing Provisions (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 53, Adult Protective Services Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 54, Revenue Flow from Speeding Violations (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 55, Election Reform (L. A. Mansell), read the first time by short title and referred to the Rules Committee.

S.B. 56, Secondary School Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 57, Telehealth for Rural Utah (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 58, Alcoholic Beverage Amendments – Eliminating Alcohol Sales to Youth (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 59, Purchasing from People with Disabilities Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 60, Western States Presidential Primary (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 61, Uniform Mediation Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 62, Judicial Conduct Commission Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 63, Issuance and Display of License Plates (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 92, Licensure of Crane Operators (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 93, Boiler and Elevator Safety Provisions (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 94, Amendments to Utah Comprehensive Health Insurance Pool (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 95, Psychologist Licensing Act Amendments (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 96, Public Education – Instruction and Policy Relating to the Origins of Life (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 98, Safety Belt Enforcement Amendments (K. Hale), read the first time by short title and referred to the Rules Committee.

S.B. 99, County Recorder Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 100, County Officer Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 101, County Assistance to Nonprofit Entities (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 102, Gifts to Public Officials (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 103, Prohibition of Contingent Fees for Expert Witnesses (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 104, Prescribing Practices for Schedule II Drugs (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 105, County Officer Revisions (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 106, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 107, Title to Manufactured Housing or Mobile Homes (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 108, Ethics in Dental Advertising (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 109, Uniform Commercial Code – Warehouse Receipts, Bills of Lading, and Other Documents of Title (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 110, Protection of Certain Voter Information (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 111, Water Conservancy District Amendments (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 112, Centers of Excellence Amendments (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 113, Governmental Immunity Limits (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 114, Producer and Affiliate Disclosure Amendments (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 115, Continuing Education in Insurance (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 116, Department of Financial Institution's Fees (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 117, Eminent Domain Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 118, Driving by Minors Amendments (K. Hale), read the first time by short title and referred to the Rules Committee.

S.B. 119, Repeal of Off-highway Vehicle Registration Number (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 120, Governor's Rural Partnership Board Amendments (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 121, Small College Enhancements (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 122, Repeal of Libel Provisions (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 123, Utah Consumer Credit Code Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 124, Alcohol Beverage Control Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 125, Malik's Law – Homicide Amendment (F. Fife), read the first time by short title and referred to the Rules Committee.

S.B. 126, Transportation of Children in Kindergarten Through Sixth Grade (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 127, Vacating or Changing a Subdivision Plat (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 128, Revolving Credit Line Trust Deed (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 129, Motor Vehicle Registration Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 130, Joint Tenancy Amendments (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 131, Authorization of Opinion Questions to Voters (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 132, Surplus Property Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 133, Liability Protections for Charity Care (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 134, Lien Duration of a Foreign Judgment (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 135, Inherent Risk of Skiing Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 136, Tax on Insurance Premiums (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 137, Business Organization and Division of Corporations and Commercial Code Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 138, Traffic Tickets and Convictions (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 139, Reportable Transactions Act (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 140, Unlawful Outdoor Advertising Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 141, Response to Hippa Changes (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Resolution Approving Reappointment of Director of Legislative Research and General Counsel (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.J.R. 2, Resolution Enlarging Revenues and Assets in State Trust Fund (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.J.R. 3, Interim Rules Resolution – Quorum Requirements

(M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.J.R. 4, Interim Rules Resolution – Committee Powers (M. Waddoups),

read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Joint Resolution Condemning Use of Torture (S. McCoy), read

the first time by short title and referred to the Rules Committee.

S.R. 1, Senate Rules Resolution – Consent Calendar Amendments

(M. Waddoups), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Luz Robles, Phyllis Caruth, Chair, Martin Luther King Jr. Commission and Judge Shauna Graves–Robinson, Salt Lake County Justice Court, spoke in Committee of the Whole. Senators Stephenson, Hale, and McCoy commented.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

On motion of Senator McCoy, the Senate voted to have the remarks by Judge Graves–Robinson spread upon the pages of the Senate Journal.

REMARKS BY JUDGE SHAUNA GRAVES–ROBINSON

To Senate President John L. Valentine, to each and every member of the Utah State Senate, to Miss Luz Robles, Director, Office of Ethnic Affairs, Mr. Michael Styles, Director, Office of Black Affairs, Miss Edie Mitko, Director of the Office of Asian Affairs, and Miss Phyllis Caruth, Chair, MLK, Jr. Human Rights Commission and to the members of my family who have joined me, my daughter Jordan and my husband John seem to be lost in the hall, but of course I have a fan club of one, my daughter Joey with me, and to all in attendance, good morning.

I am Judge Shauna, Graves–Robertson and as has already been said, I currently serve as the presiding judge of the Salt Lake County Justice Court. I was honored when Mr. Styles asked me to offer a few remarks to this powerful body as you prepare to open your 56th Annual Session, which begins on the day that this nation pauses to remember the life and works of the late Dr. Martin Luther King, Jr. When I asked Mr. Styles how my remarks should be fashioned and what type of information they should contain, his initial response caused me great concern. Why? Well, he said my remarks should be brief—about five to seven minutes—and I

thought to myself, he obviously doesn't understand that I am an attorney, and I have never known a lawyer who could give brief remarks. However, he went on to say that I should talk about myself and my struggles, the adversity I have faced or continue to face as the only African American woman represented in the judiciary of the State of Utah and how my success, if one could call it that, coincides with Martin Luther King Jr.'s dream, and keeping that dream alive. So I thought briefly I would tell you that I am the realization of the dream.

I represent what the dream is all about, and my hope is that YOU won't let the dream die. You see, I'm the product of a poor, hard working, God-fearing single mother who, with the help of the members of this community was able to properly raise and educate her child. Were there difficulties? Were there struggles? Did I face racism and bigotry? Absolutely! But I choose not to focus on the negative, but instead highlight the positive, because for every door that was closed, supporters of the dream gave me a hand up and made sure that two doors were opened.

I had fabulous mentors, like the late Dr. Alberta Henry, Reverend France Davis, Dr. Astacia Adams, and Dr. Ronald G. Coleman, who made sure that I didn't get lost in the educational system, be it the secondary system or the highest educational system. And when I needed resources that they did not have, they introduced me to those who did, like Mrs. Flora Lee Milsap, a former educator, who provided me with financial assistance while in law school; Senator Orin G. Hatch, who gave me a job while I lived in Washington D.C. and attended the American University; or the late Scott Matheson, who appointed me the Director of the Office of Black Affairs in the late 1980s. In fact, you should be aware that I acquired my first job in State Government through a legislative co-op then known as the Moroni L. Jensen Utah State House Fellowship.

Yes, I've had challenges, and every poor, disadvantaged child in this state will face a level of adversity as they attempt to live out Dr. King's dream that their middle and upper-class counterparts know nothing about. And so the question becomes, how can you help. What can you do to insure that the dream Dr. King had for all people—not just black people—but all people is realized and does not die.

As you do your work over the next forty-five days, I ask you to ask yourself, how will the decisions I made today affect the poor, the disenfranchised, and youth. Are we spending our educational dollars in a way that will allow our children the opportunity to get a quality education? And I should say all children. Are we funding programs that give access to proper health care, food and shelter? Do we allow racial profiling and hate crimes to prevail? Do we have a criminal justice system, be it courts, corrections or police that is representative of the people that it serves? Do we support alternative avenues for those who find

themselves in the criminal justice system such as drug courts and treatment, mental health courts and treatment, or domestic violence courts and treatment? In other words, are you willing to provide a hand up, not a hand out? Are you willing to craft your legislation in a way that will allow people to help themselves so that five, ten, fifteen years from now another speaker will be able to say that a bill you passed allowed them not only the bootstraps to pull themselves up by, but the boots to put on? If you are willing to enact laws or fund programs that provide for the least among you, then the dream won't die, because you will have supported the dream and passed it on. Thank you.

On motion of Senator Knudson, and at 11:40 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Valentine presiding.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Chief Justice Christine M. Durham spoke in Committee of the Whole. Senator Mansell commented.

On motion of Senator Eastman, the Senate voted to spread the remarks of Chief Justice Durham on the pages of the Senate Journal.

STATE OF THE JUDICIARY CHIEF JUSTICE CHRISTINE M. DURHAM

President Valentine, Speaker Curtis, distinguished members of the Senate and House of Representatives, I thank you for the invitation to deliver these remarks on behalf of our dedicated judges and staff from across this wonderful state of ours. I am pleased to have my colleagues, Associate Chief Justice Michael Wilkins, Justices Durrant, Parrish, and Nehring, and our state court administrator, Dan Becker, with me this afternoon.

Every day the morning news reminds us that we truly do live in a global environment, a fact that has economic, cultural, and public policy implications. The challenges we face in our country are many, but for the most part, as they relate to government, they concern the operation of a stable form of government and the realization of the promise of our constitution. As we observe the struggles taking place around the world, where people are desperately trying to establish and apply democratic principles, to embrace the rule of law, and to create effective government, we should all be reminded as we read the morning paper of just how much we take for granted in our country.

Much of the world's attention these days is focused on the struggles in the Middle East, particularly Iraq. Watching the evening news footage of the trial of a deposed dictator and his chief lieutenants, we witness the presiding judge struggling to maintain order and conduct a judicial proceeding that is both fair and credible to the people of his country, and by extension, to the world. No small task. But, even as news reports draw our attention to the most difficult struggles abroad, we should not lose sight of very real success stories.

I would like to share with you an emerging success story from Mongolia. Just over a year ago, the President of Mongolia, Natsaglin Bagabandi, visited Washington D. C. to meet with President Bush and share the progress being made in this new democracy. Strikingly, President Bagabandi singled out judicial reform as the most important development in the new, democratic Mongolia. Of particular interest to us is the fact that Mongolian legal, political, and judicial representatives spent some time in Utah, under the auspices of the National Center for State Courts, studying our judicial system. The Center's Mongolia project is viewed as its most successful international rule of law effort. It turns out that Mongolia not only adopted a judicial system modeled on Utah's but also implemented our Judicial Council format and details of our operation, right down to our committee structure.

When our visitors were asked what most impressed them about what they had seen here, the response was that we are an example of courts doing business in the open. They admired the way our Judicial Council operates—with notice, public meetings, press attendance, frequent attendance of legislative staff, and public votes, and they concluded that our model would contribute to their own efforts to create a robust governance process deserving of public trust and confidence.

I would add as a footnote to this story that a number of Utah judges have been called on to teach about our system and the rule of law in Ukraine, including my colleague on the Supreme Court, Associate Chief Justice Wilkins.

Playing some part in these success stories is a source of great pride to our courts and our state. It is our own sense of pride in and respect for our form of government that continues to inspire people around the world. Those of us in positions of public leadership have a special duty to encourage and enhance respect for government, and as public servants we must recognize that public trust and confidence is not bestowed as a matter of course, but must be earned.

Part of our obligation in this regard is to remind ourselves and our citizens about what we take for granted, and what Mongolia is working to build: a government founded on the rule of law.

I would like to share with you what the judicial branch of government is doing to try to strengthen trust and confidence in our system. In previous years I have mentioned our support of civic education in Utah's schools, colleges, and universities. Recently, the courts along with more than twenty other groups (who form the Coalition for Civic, Character, and Service Learning) sponsored the third annual Dialogue on Democracy, two days of public programming devoted this year to discussion about religious liberty and public life. Judges and court staff organized in-court experiences with school teachers and student leaders from many parts of the state designed to demonstrate the part played by the courts in our civic life. In the written evaluations of the session devoted to the courts in Utah, teachers identified numerous insights and ideas acquired from the process. Here are some of their comments: "[the] Judicial [branch] is the least known and understood. These presentations were important;" "[the] resources of [the] Courts [are] available to teachers;" "[I gained] renewed appreciation for living in a country where [the] judicial process works like it does;" "[I] will teach more about the court system;"

"I will include this information in my constitution unit;" and finally, my favorite, "Classrooms are laboratories for freedom."

This very successful project on civic engagement has been so successful because it is collaborative: numerous government and community leaders play important roles: several legislators participated in the Dialogue, and Representative LaVar Christensen and Senator Karen Hale are members of the Coalition; the Governor supported the Dialogue by declaring November 17 "Civic, Character, and Service Learning Day," and the State Office of Education has retained a specialist in civic education who now oversees the work in the public schools and provides staff support for the Coalition.

Another example of collaborative efforts in the public interest is the work of the Judicial Council's Committee on Children and Family Law, which brings together knowledgeable people throughout government and the private sector to address public needs, including a number of legislators. Senator Lyle Hillyard, for example, has served on this committee from its inception. Recently, through the significant efforts of Senator Greg Bell, who worked with a subcommittee on warrants in child welfare cases, thoughtful solutions have been identified for some difficult problems, and I understand that a resulting piece of legislation has widespread support. What a wonderful example of thoughtful information-gathering and collaborative policy discussion leading to effective legislative work that is likely to solve problems, benefit our people, and, incidentally, avoid, we all hope, challenges to the end result.

As reflected by the role of the Committee for Children and Family Law, the courts, while not having direct policy-making responsibility themselves, can often serve as the “convening entity” for community-wide discussions that implicate public and private decision-making. Two more examples come to mind. The original Task Force on Racial and Ethnic Fairness, organized by the courts, was a broad-based effort to bring the courts, law enforcement, state and local legislative representatives, leaders in minority communities, service providers, and citizens together in a forum where communication and problem-solving could occur.

The value of that effort and its ongoing importance to the state has been acknowledged by Governor Huntsman, whose budget this year proposes to give the task force a stable home in the executive branch.

A second example of community-wide collaboration at the invitation of the courts concerns a set of issues I mentioned in my remarks to you last year: the needs of Utah children in foster care. With the help of former Governor Olene Walker, I have invited a truly remarkable group of public and private leaders in this state to figure out what can be done to achieve for these children some of the things that the rest of our children take for granted, things like stability and permanence in their family relationships, caring and responsible adults to shelter their childhood and guide their journey into young adulthood, educational support, health and mental health treatment, even driver’s licenses when they turn sixteen! We have called our effort, appropriately, IOU—Initiative on Utah Children in Foster Care. The initiative is currently working specifically on federal and state funding issues, transitions to adult living, community support for kinship care placements, and public awareness about the child welfare and foster care systems. I have been overwhelmed by the work of Initiative members—and these are very busy, very effective community leaders. As examples, our membership includes: from the government sector, the heads of the Department of Human Services, the Division of Child and Family Services, and the Department of Work Force Services, and the Commission on Criminal and Juvenile Justice, the Governor’s legal counsel, the Attorney General, Chris Bleak, Speaker Curtis’ Chief of Staff, Ric Cantrell of President Valentine’s staff, Senator Dan Eastman, Representative David Litvak, Congressman Chris Cannon, Senator Orrin Hatch’s Utah legal counsel, two juvenile court judges, and Court of Appeals judge William Thorne, who was part of the PEW Commission’s national task force on children in foster care.

Other public sector members are President Michael Young of the University of Utah, who has identified this work as an important way to contribute to the community, the State Superintendent of Public Education, and the director of Ute Tribal Social Services. From the business community, Steve Scott of Zions Bank

has brought invaluable resources, and the advocacy communities are represented by the heads of Allies with Families and Voices for Utah Children, as well as long-time advocate for Utah's needy, Pamela Atkinson. We have also sought and received wonderful support from Utah's religious leaders; Bishop George Niederauer of the Catholic Diocese, Reverend France Davis from Calvary Baptist Church, and Elder Merrill Bateman from the Church of Jesus Christ of Latter-Day Saints have been major sources of ideas and plans, as has Lisa Eccles from the Eccles Foundation, and Dr. Tom Metcalf, long-time advocate for children and their healthcare needs. I have shared this long list of amazing people because I believe our work represents the talent and the resources that our community can bring to bear on critical problems that need to be addressed—and can be fixed.

Perhaps a brief incident from a recent meeting of the initiative will help to explain why so many busy people are willing to use their resources and influence for positive change. We invited four young people, one still in foster care, and three other recent “graduates” of the program, to talk to us about their experiences. One of them was asked about the kind of support he had received as he moved out on his own, an 18-year-old adult responsible for his own life. “Did you receive calls to check up on you or to offer support or advice?” “No,” he replied, “for whatever reason, I didn’t. It would be nice, you know, to get a phone call once in awhile, to know somebody cares about you—like on your birthday, or something.” Here sat a young man so alone in the world that no one remembered his birthday and his phone never rang. There weren’t very many dry eyes in the room, and at least five initiative members quickly asked for his phone number. This young man’s story reminded us all of the human side of the issues we are struggling with.

It is likewise that human element that is so important in one final area I’d like to mention in which the courts have used our ability to “convene” community efforts. This is something I have mentioned in years past, and something that the legislature and the Governor have actively supported: problem-solving courts. Building on our considerable success with the drug court model, we have been expanding our efforts to focus on outcomes for people in certain kinds of cases rather than merely on disposition of cases. According to a recent report from the Coalition for Juvenile Justice, 50–75 percent of adolescents involved in the juvenile justice system have diagnosable mental disorders, while 20 percent have serious mental health problems. Close to home, our own information indicates that more than 1,200 young people in Utah’s juvenile justice system each year show signs of severe mental disorders. This Wednesday, a Mental Health Court pilot project will officially begin in Third District Juvenile Court Judge Dane Nolan’s courtroom at the West Jordan Courthouse. This will be one of the first courts of its kind in the nation. The court will work in partnership with Valley Mental Health, the Salt Lake County District Attorney’s office, contract defense

counsel, the Salt Lake County Division of Substance Abuse Services, Jordan School District, Salt Lake County Division of Mental Health, Utah Department of Human Services, the Division of Juvenile Justice Services, the National Alliance for the Mentally Ill, and Juvenile Justice Advocates. The hope is that coordination of services, treatment, and judicial supervision of young people in trouble whose problems include serious mental health issues will result in better outcomes for the children, for their families, and for the community.

The kind of innovative culture that some of these programs reflect can only thrive in systems that are well managed. I have described on these occasions in the past the singularly efficient and responsive governance structure that Utah's judicial branch enjoys, with our elected Judicial Council to determine policy, our boards of judges to keep information flowing and to assess need and progress, and our highly professional administrative staff at every level. That structure was put in place twenty years ago with the significant 1985 amendments to the judicial article of our constitution, and it has served us well.

All of government exists to serve the people, and it is important to make room for the voice of the public in our deliberations. I have already described many of our efforts to reach out to the larger community, and to the other branches of government as we assess the way we do things and consider how we might do them better. I am consistently amazed at and grateful for the generosity of people from outside the judiciary who contribute their time and their talent to improving the administration of justice. The countless hours of volunteer work on Supreme Court rules committees and Judicial Council rules, and on Judicial Council Committees and task forces are one example. Other recent examples are worth mentioning. As the Judicial Council has focused this past year on the Office of the Guardian Ad Litem, we have, in accord with a recommendation made by your Auditor General, put in place an extraordinarily able group of citizens, lawyers, and non-lawyers, to serve on an Oversight Board for the Guardian's Office. They bring a broad range of legal, child-welfare and public policy expertise to their task, and they all serve as volunteers, with nothing to gain but the best possible management and function of that important office. Feedback so far on their effectiveness has been very positive, and we appreciate the role that your work in the legislature has informed our planning.

One final example of citizen service is the Council's Citizen Committee on Judicial Compensation, which undertook an independent assessment and analysis of judicial compensation for the use of the Legislature's Commission on Executive and Judicial compensation. Once again, I am grateful that people like attorney Kay Cornaby, who chaired the committee, Ralph Akin from St. George, an attorney and businessman, and Scott Anderson of Zions Bank, have been willing to spend their time and expertise on an issue they believe has an impact on

the future of Utah's judiciary. We are fortunate in this state, and we in the judiciary particularly, to be supported in our work by so many able people of good will who respect government and will lend their credibility and expertise to that work.

It is appropriate to complete this brief overview by telling you a little about what is on our agenda as we move forward into the new year. The Judicial Council is in the process of finalizing a series of measurement indicators that will allow us to gauge our progress in key areas. I would describe these core measures as analogous to the gauges in your car—"dashboard indicators"—to let us assess at regular intervals if we're moving in the right direction and at the right speed; for example, we have already been focusing on time-to-disposition numbers for cases in the trial courts with very encouraging results. We continue to address, as does the rest of state government, the challenging issues posed by privacy concerns and public records. Also, along with the rest of state government, we are acutely aware of needs related to security, disaster preparedness and disaster recovery, and we have formed excellent working relationships with the Department of Public Safety and the Division of Homeland Security to work on those needs.

One other systemic concern is very high on the Judicial Council's agenda: the changing nature and role of Utah's Justice Courts. Three fourths of all cases in Utah's courts are filed in the justice courts; their impact on our citizens is enormous. The Judicial Council will be spending time in the coming year examining ways in which we can further strengthen these courts and contribute to enhanced public trust and confidence in their work.

This notion of trust in the courts is, of course, closely related to what the public, and the other branches of government, know and understand about the judicial branch and how it works. I have mentioned our efforts to govern ourselves in terms of operations and budgets in a very public, transparent way. But what goes on in individual courtrooms throughout the state is a huge part of the picture, and that part is harder to explain. We have been very grateful for the efforts of many legislators, including President Valentine and Speaker Curtis, to attend meetings of our boards of judges to talk about issues of mutual concern. Also extremely valuable have been court visits by individual legislators. Just last month Representatives Hogue and Harper, for example, devoted personal time to sitting in on various aspects of delinquency and child welfare cases, including mediations and case conferences, in the juvenile court. We hope that everyone who has participated in such an experience would tell you that they have gained an enhanced understanding of the process and about the difficult policy dilemmas they face in crafting relevant legislation. We invite every one of you to come to court; let us know when you can come, and what you'd like to see, and we will ensure that arrangements are made. For those of you who cannot manage a

personal visit, we hope you will ask for “debriefings” from your colleagues who do.

For good or ill, the issues and problems your constituents and society at large encounter end up, in some form or another, in our courtrooms, and we welcome and want to support your opportunities to see how they play out in that forum. We appreciate the engagement of your leadership and of so many legislators on court-related committees and projects, and the interest and support of the Governor and many executive branch agencies. Respect for government cannot be maintained without responsible government. We in the courts will continue to strive to be accountable to the people we serve by ensuring fairness, access, and openness, by listening to the public’s expressions of need and feedback on our work, by using public resources efficiently, and by explaining effectively why courts are essential in a fair and impartial democracy.

In my opening remarks, I used the phrase “the realization of the promise of our constitution.” My use of the word “promise” in this context comes from a woman who is remembered as being both elegant and plain spoken, often at the same time. The late Congresswoman from Texas, Barbara Jordan, once said, “What the people want is simple. They want an America as good as its promise.” I pledge to you that our courts will continue our efforts to provide the people what they want—we will continue to strive for courts as good as their promise of fairness, access, equal justice and efficiency.

We value our opportunities to work with you in this important enterprise, and look forward to a productive 2006.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

ADVISE AND CONSENT

COMMUNICATIONS FROM THE GOVERNOR

Mr. President:

November 28, 2005

In accordance with Utah Code 67–1–1 and 67–1–2 (2004), I propose and transmit the following appointment:

SEVENTH DISTRICT COURT

George M. Harmond, Jr. is appointed as a Judge of the Seventh District Court. See Utah Const. art. VIII 8; Utah Code 78–29–2.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President:

January 16, 2006

The Senate Judicial Confirmation Committee met on January 16, 2006 and unanimously reports a favorable recommendation for Mr. George M. Harmond, Jr. to be confirmed to the position of District Court Judge in the Seventh Judicial District.

D. Chris Buttars, Committee
Chair

* * *

On motion of Senator Hillyard, the Senate voted to approve the committee report on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Goodfellow	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	McCoy	Peterson
Stephenson	Thomas	Waddoups	Walker
Valentine			

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge George M. Harmond, Jr. spoke in Committee of the Whole. Senators Buttars and Dmitrich commented.

On motion of Senator Knudson, the Committee of the Whole was dissolved.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 16, 2006

The Rules Committee recommends the following bills be placed on the Second Reading Calendar:

- S.J.R. 1** Resolution Approving Reappointment of Director of
Legislative Research and General Counsel
(Sen. P. Knudson)
- S.R. 1** Senate Rules Resolution – Consent Calendar
Amendments (Sen. M. Waddoups)
- S.J.R. 3** Interim Rules Resolution – Quorum Requirements
(Sen. M. Waddoups)
- S.J.R. 4** Interim Rules Resolution – Committee Powers
(Sen. M. Waddoups)
- S.B. 136** Tax on Insurance Premiums (Sen. C. Bramble)
- S.B. 9** Open and Public Meetings Act Revisions
(Sen. P. Hellewell)
- S.B. 10** Provisional Ballot Amendments (Sen. P. Hellewell)
- S.B. 11** Election Code Revisions (Sen. P. Hellewell)
- S.B. 6** Health and Human Services Sunset and Reporting
Amendments (Sen. A. Christensen)
- S.B. 14** Insurance Department – Sunset Amendments and
Revisions (Sen. S. Jenkins)
- S.B. 17** Highway Transfer Process Amendments (Sen. C. Walker)
- S.B. 1** State Agency and Higher Education Base Budget
Appropriations (Sen. L. Hillyard)
- S.B. 23** Office of Museum Services (Sen. P. Arent)
- S.B. 25** Coordination with Tribal Leaders Amendments
(Sen. B. Evans)
- S.B. 27** Lake Powell Pipeline Development Act (Sen. T. Hatch)
- S.B. 12** Electronic Meeting Amendment (Sen. L. Hillyard)
- S.B. 20** Repeal of Utah Digital Signature Act (Sen. L. Hillyard)
- S.B. 29** Sales and Use Tax Exemption – Telecommunications
(Sen. C. Bramble)
- S.B. 30** Sales and Use Tax Exemption for Semiconductor
Fabricating, Processing, Research, or Development
Materials (Sen. C. Bramble)

Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 16, 2006

The Rules Committee recommends assignment of the following bills to standing committees:

Health and Human Services

- S.B. 7** Child Protection Amendments (Sen. G. Bell)
S.B. 19 Amendments to Indoor Clean Air Act
(Sen. M. Waddoups)
S.B. 53 Adult Protective Services Amendments
(Sen. A. Christensen)
S.B. 57 Telehealth for Rural Utah (Sen. B. Evans)

Education

- S.B. 8** Care of Students with Diabetes in School (Sen. P. Arent)
S.B. 48 School Nurses Legislative Task Force (Sen. E. Mayne)
S.B. 56 Secondary School Amendments (Sen. D. C. Buttars)
S.B. 96 Public Education – Instruction and Policy Relating to the
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- S.B. 15** Grama Appeals Process and Document Request
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(Sen. S. Killpack)
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- S.B. 16** Civil Antitrust Amendments (Sen. L. Hillyard)
S.B. 24 Weapons Amendments (Sen. M. Madsen)
S.B. 50 Jail Funding Amendments (Sen. D. Thomas)

Business and Labor

- S.B. 21** Employment Security Amendments (Sen. J. Hickman)

- S.B. 40** Mine Safety and Certificate Amendments
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- S.B. 140** Unlawful Outdoor Advertising Amendments
(Sen. M. Waddoups)

Workforce Services and Community and Economic Development

- S.B. 22** Department of Community and Culture Amendments
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- S.B. 38** Individual Income Taxation of Certain Trust Distributions
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Natural Resources, Agriculture and Environment

- S.B. 45** Oil and Gas Conservation Account Amendments
(Sen. M. Dmitrich)
- S.B. 111** Water Conservancy District Amendments (Sen. T. Hatch)
Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.

* * *

Mr. President:

January 16, 2006

The Rules Committee recommends **S.B. 41** Restrictions on Use of Physician Disclosures, by Senator D. Thomas, be replaced and recommends that **1st Sub. S.B. 41**, Restrictions on Use of Physician Disclosures, by Sen. D. Thomas, be assigned to the Judiciary, Law Enforcement and Criminal Justice Standing Committee.

Michael Waddoups

Report filed. On motion of Senator Waddoups, the committee report was adopted.

* * *

On motion of Senator Knudson, under suspension of the rules, the 24-hour rule was waived for consideration **S.J.R. 1**.

SECOND READING CALENDAR

On motion of Senator Knudson, under suspension of the rules, **S.J.R. 1**, RESOLUTION APPROVING REAPPOINTMENT OF DIRECTOR OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Goodfellow	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	McCoy	Peterson
Stephenson	Thomas	Waddoups	Walker
Valentine			

S.J.R. 1 was transmitted to the House.

* * *

On motion of Senator Knudson and at 3:30 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 17, 2006.

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